CASE#	C15-2012-0099
ROW#	

CITY OF AUSTIN APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

WARNING: Filing of this appeal stops all affected construction activity.
PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.
STREET ADDRESS: 8202 Easter Cove
LEGAL DESCRIPTION: Subdivision – <u>Lanier Terrace, Section 4, A subdivision</u>
Lot(s) 5 Block E Outlot Division
I/We_John and Alisa Jenne on behalf of myself/ourselves as authorized agent for
Alisa Buster and Patrick Durbin affirm that on June 21, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
ERECTATTACHCOMPLETEREMODELX_MAINTAIN
This request is to maintain an existing structure that was erected as an open air carport. The issue is that the existing structure has a 10.5' encroachment for the left post and 6' encroachment for the right post of the 25' front building line. The owner requests a total encroachment allowance of up to 11.5' to provide 1' margin of error.
encroachment for the right post of the 25' front building line. The owner requests a total encroachment allowance of up to 11.5' to provide 1' margin of error. The existing structure also encroaches on the 5' build line on the south side of the property by 0.1'. The owner requests a total encroachment allowance of 0.5' to provide an additional 0.4' margin. The existing structure also encroaches on the 5' build line on the south side of the property by 0.1'. The owner requests a total encroachment allowance of 0.5' to provide an additional 0.4' margin.
The attached survey made by a licensed State of Texas land surveyor supports these measurements.
The Board of Adjustments originally approved a variance for a 1' encroachment of the

The Board of Adjustments originally approved a variance for a 1' encroachment of the 25' front building line at the August 13, 2012 hearing. The owner has since re-opened the permit (2012-096895-BP) and began the inspection process. The owner obtained an updated survey (attached) that included the car port, and learned that the encroachment was significantly more than 1'. The owner mistakenly believed the property line started at the street curb, which is how the 1' encroachment was determined. However, the property line set back increased the encroachment up to 10.5'.

This carport was erected by a contractor who misled the home owner in to believing that the structure had been constructed per the plans and permit (2010-033871) approved by the city by showing approvals throughout the duration of the project. The structure itself maintains the look and feel of the original home and strives to stay within the feel of the neighborhood. It was not discovered by the home owner until after the contractor had been fully paid and was unreachable that there was an issue with the existing permit. Please see the attached picture.

ın a		district
_	(zoning district)	_

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Structure already exists. Carport could not have been built and met 25' front building line requirements.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

Carport adds value and practical purpose to home. Besides the cost of demolition, the owner cannot rebuild a carport outside of the zoned area. Demolition of the carport would have a practical and aesthetic impact that could devalue the home.

The original garage was enclosed to add living space. Significant costs and loss of living square footage would be incurred to re-create covered parking.

Home owner has put home on market for sale and is under contract. Closing is contingent on clearing up open permit for car port. Owner has until 11/30/2012 to correct issues and close permit else the contract is null and void thus causing owner additional time and costs to put home back on market.

(b) The hardship is not general to the area in which the property is located because:

Hardship is specific to this property due to a contractor that completed construction and misled home owner.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The open air carport encroachment does not impact adjacent property views or access. Carport maintains the look and feel of the original home and strives to stay within the feel of the neighborhood. Please see attached photos.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed	Mail A	ddress	
City, State & Zip			
Printed	Phone	Date	
OWNERS CERTIFICATE – lare true and correct to the best of			application
Signed	Mail A	ddress	
City, State & Zip			
Printed	Phone	Date	

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- **B.** A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

<u>SUBMITTAL REQUIREMENTS:</u> (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning \$360. All other zonings \$660.)

Austin Energy Approval

One Stop Shop 505 Barton Springs Rd (512) 974-2632 - phone (512) 974-9112 - phone (512) 974-9109 - fax

(512) 974-9779 - fax



Austin Energy Building Service Planning Application (BSPA)

This form to be used for review of Building Permit only For use in One Stop Shop Only

Responsible Person for Service Request Alsa Buster Jenne		
Email Andrew Approximation Fax Phone To the Property of the Pr		
☐ Residential ☐ Commercial ☐ New Construction ☐ Remodeling		
Project Address Control of Contro		
Legal Description Lot Block		
Who is your electrical provider?		
Overhead Service Underground Service Single-phase (10) Three-phase (30)		
Location of meter		
Number of existing meters on gutter (show all existing meters on riser diagram)		
Expired permit # <u>Secretary Secretary</u>		
Comments		
Also Jenne 7/2/2 512-73/-227) BSPA Completed by (Signature & Print Name) Date Phone Approved Yes No		

Application expires 180 days after the date of approval (Any change to the above information requires a new BSPA)

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

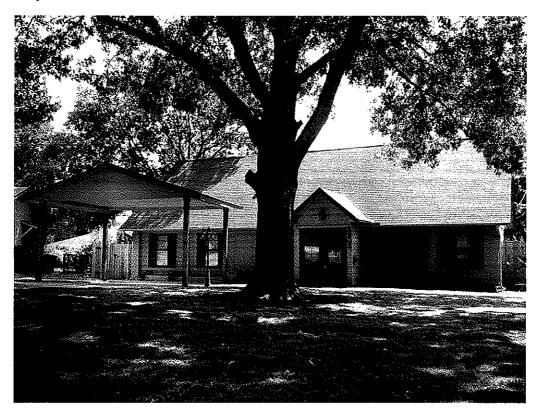
AE APPROVED

JUL 0 2 2012

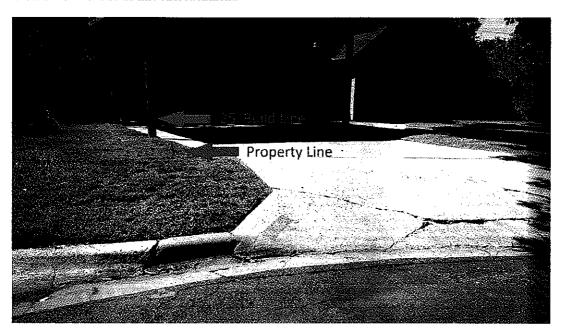
184-207

JGM

Carport maintains look and feel of home.



View of 25' front build line encroachment.



Carport encroachment does not impact neighbor access or views.



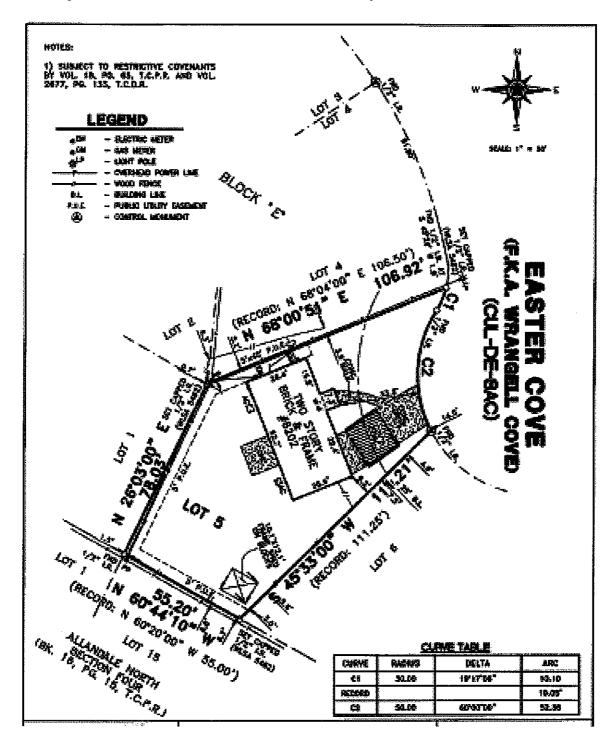
Ariel view (pre-car port) allows one to envision neighborhood view.



Recent (10/8/12) Survey for 8202 Easter Cv

Survey shows:

- Carport encroachment of 25' front build line: 10.5' from left front post, and 6' from right front post.
- Carport encroachment of 5' side build line: 0.1' from left front post



Excerpts from Executed One to Four Family Residential Contract (Resale) for 8202 Easter Cv.

Closing pushed out to November 30, 2012 to allow time to clear up permits.

9. CLOSING:

A. The closing of the sale will be on or before November 30,2012, or within 7 days after objections made under Paragraph 6D have been cured or waived, whichever date is later (Closing Date). If either party fails to close the sale by the Closing Date, the nondefaulting party may exercise the remedies contained in Paragraph 15. B. At closing:

(1) Seller shall execute and deliver a general warranty deed conveying title to the Property to Buyer and showing no additional exceptions to those permitted in Paragraph 6 and furnish tax statements or certificates showing no delinquent taxes on the Property.

(2) Buyer shall pay the Sales Price in good funds acceptable to the escrow agent.
(3) Seller and Buyer shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents reasonably required for the closing of the sale and the issuance of the Title Policy.

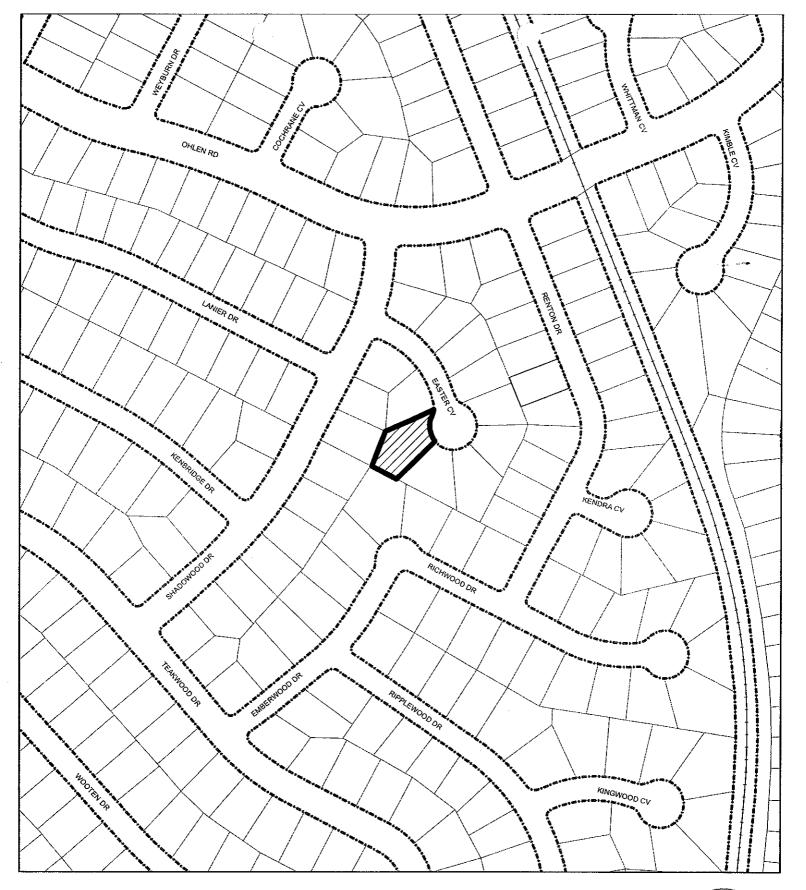
(4) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans

assumed by Buyer and assumed loans will not be in default.

(5) If the Property is subject to a lease, Seller shall (i) deliver to Buyer the lease(s) and the move-in condition form signed by the tenant, if any, and (ii) transfer security deposits (as defined under §92.102, Property Code), if any, to Buyer. In such an event, Buyer shall deliver to the tenant a signed statement acknowledging that the Buyer has received the security deposit and is responsible for the return of the security deposit, and specifying the exact dollar amount of the security deposit.

Special provisions highlighting contract is contingent on variance and on closing out permits.

- 11. SPECIAL PROVISIONS: (Insert only factual statements and business details applicable to the sale. TREC rules prohibit licensees from adding factual statements or business details for which a contract addendum, lease or other form has been promulgated by TREC for mandatory use.) 1. Buyer respectfully requests Seller respond to this offer by 5:00pm on September 17,2012 or this contract will be null and void.
 - 2. This contract is contingent upon the following being permformed by the seller before closing. If the seller is unable to perform both items before closing, the buyer may terminate this contract and the earnest money will be returned to the buyer.
 - (A) A variance from the City of Austin for the 1 ft. encroachment of the carport over the existing building line is approved, granted and finalized.
 - (B) The expired permits for the carport and the covered patio in the backyard are properly closed with the City of Austin.





SUBJECT TRACT

CASE#: C15-2012-0099 LOCATION: 8202 EASTER COVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN Board of Adjustment/Sign Review Board Decision Sheet

D/	ATE: Monday, August 13, 2012	CASE NUMBER: C15-2012-0099
	_Y Jeff Jack _Y Will Schnier – 2 nd the Motion - M Nora Salinas _Y Fred McGhee _Y Susan Morrison _Y Melissa Hawthorne Motion to Gr _Y Heidi Goebel	
OI	WNER/APPLICANT: Alisa Buster	
ΑĽ	DDRESS: 8202 EASTER CV	
mi 24 NF	ARIANCE REQUESTED: The applicant hinimum front street setback requirement feet in order to maintain a carport for a Parish Residence – Neighborhood Peighborhood Plan)	single-family residence in an "SF-3-
Ha Me	DARD'S DECISION: The public hearing wanthorne motion to Grant with condition the ember Will Schnier second on a 6-0 vote; GIARPORT REMAINS OPEN ON ALL 3 SID	at carport remains open on all 3 sides, Board RANTED WITH CONDITION THAT
FII	NDING:	
1.	The Zoning regulations applicable to the pubecause: nonstandard configuration on lominimal	•
2.	(a) The hardship for which the variance is house is in cul-de-sac, intend to have car	requested is unique to the property in that: port, no encroachment
	(b) The hardship is not general to the area not everyone is located in cul-de-sac very	a in which the property is located because: difficult to navigate on a curb
	The variance will not alter the character of impair the use of adjacent conforming protein the regulations of the zoning district in when croachment is very small in nature, car impact neighboring properties.	perty, and will not impair the purpose of ich the property is located because:

Chairman

Executive Liaison

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing;
 and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;

is the record owner of property within 500 feet of the subject property

or proposed development; or

is an officer of an environmental or neighborhood organization that
has an interest in or whose declared boundaries are within 500 feet of

the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

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- appearing and speaking for the record at the public hearing;
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that
 has an interest in or whose declared boundaries are within 500 feet of
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City of Austin-Planning & Development Review Department/ 1st Floor Susan Walker P. O. Box 1088 Austin, TX 78767-1088	h S S
If you use this form to comment, it may be returned to:	Hf y
Comments:	Co ₁
Daytime Telephone: 513 371 0313	Day
Your address(es) affected by this application 8.9-12	You
Your Name (please print)	You
Case Number: C15-2012-0099 – 8202 Easter Cove Contact: Susan Walker, 512-974-2202 Public Hearing: Board of Adjustment, August 13th, 2012	

CASE # C15-2012-0099 ROW # 10797139 TP-024008-12-29

CITY OF AUSTIN 7 P - 02 APPLICATION TO BOARD OF ADJUSTMENT GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.
STREET ADDRESS: 8202 Easter Cove
LEGAL DESCRIPTION: Subdivision – Lanier Terrace, Section 4, A subdivision
Lot(s) 5 Block E Outlot Division
I/We John and Alisa Jenne on behalf of myself/ourselves as authorized agent for
Alisa Buster and Patrick Durbin affirm that on July 7, 2012, hereby apply for a hearing before the Board of Adjustment for consideration to:
(check appropriate items below)
ERECT ATTACH COMPLETE REMODELX_ MAINTAIN
This request is to maintain an existing structure that was erected as a car port. The issue is a one foot encroachment of the front building line from the left post of the existing structure (24' vs 25'). This carport was erected by a contractor who misled the home owner in to believing that the structure had been constructed per the plans and permit (2010-033871) approved by the city by showing approvals throughout the duration of the project. The structure itself maintains the look and feel of the original home and strives to stay within the feel of the neighborhood. It was not discovered by the home owner until after the contractor had been fully paid and was unreachable that there was an issue with the existing permit. See the attached picture.
in a SF-3-N Histrict. Wooten M.P.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Structure already exists and encroachment is minimal (1' within front building line). Original plan would have provided carport that met 25' front building line requirements, but due to existing structure requires either a) demolishing and rebuilding or b) moving structural post back 1' which is aesthetically unpleasing.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

While car port adds value and practical purpose to home, the costs of demolishing and rebuilding cannot be justified. While moving the support post out of the front building line is a more cost effective solution, there is still a cost burden and an end result that is aesthetically unpleasing. Home owner has put home on market for sale and aesthetic impact could devalue home.

(b) The hardship is not general to the area in which the property is located because:

Hardship is specific to this property due to a contractor that completed construction and misled home owner.

AREA CHARACTER:

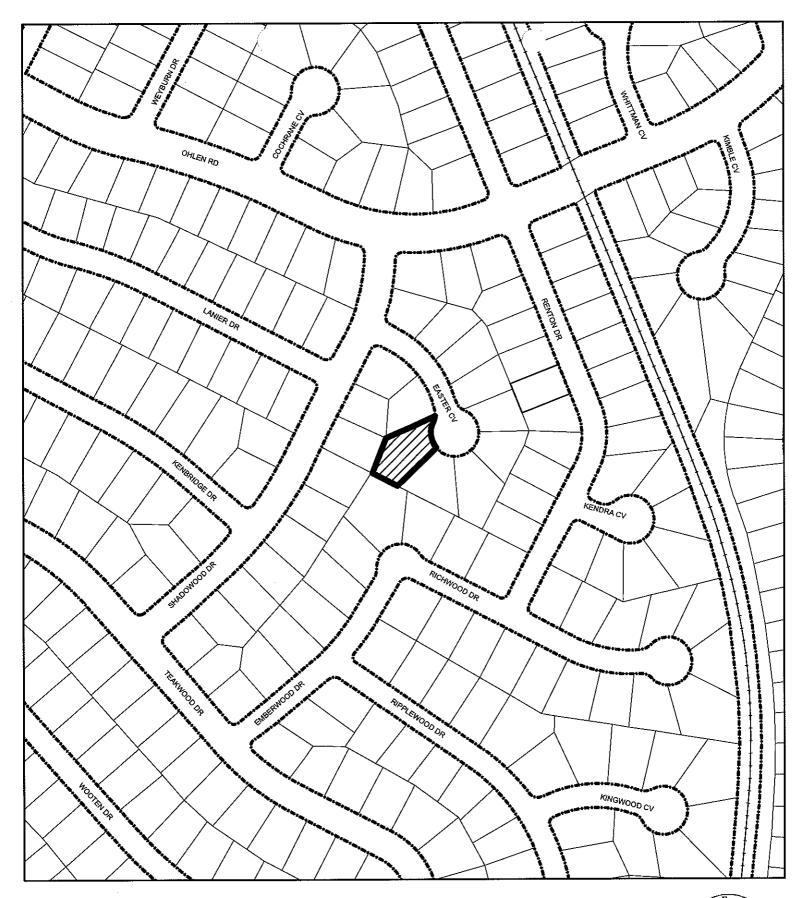
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Encroachment of front building line is a minimal 1' of the 25' line. Encroachment does not impact adjacent property views or access. Carport maintains the look and feel of the original home and strives to stay within the feel of the neighborhood.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.
APPLICANT CERTIFICATE - I affirm that my statements contained in the complete
application are true and correct to the best of my knowledge and belief.
Signed Bliss Jenne Mail Address 9812 Palmbrode D
City, State & Zip Austin, Jx 78717
Printed Alisa Jenne Phone 512-731-02 79Date 7-9-12
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.
Signed Blish Busto Clare Mail Address 98/2 Palm Grode Dr.
City, State & Zip Austin 17, 78717
Printed Alice B. Stor (1000 Phone 57: 731-227 Phone 97-9-12





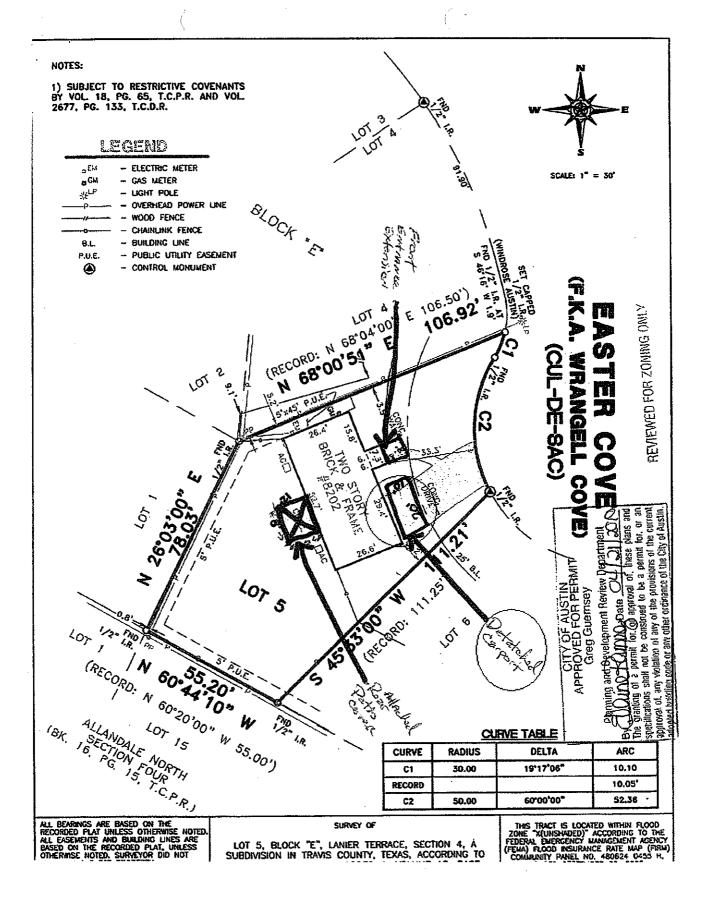
SUBJECT TRACT
ZONING BOUNDARY

CASE#: C15-2012-0099 LOCATION: 8202 EASTER COVE



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Austin Energy Approval

One Stop Shop 505 Barton Springs Rd (512) 974-2632 – phone (512) 974-9112 – phone (512) 974-9109 – fax (512) 974-9779 – fax



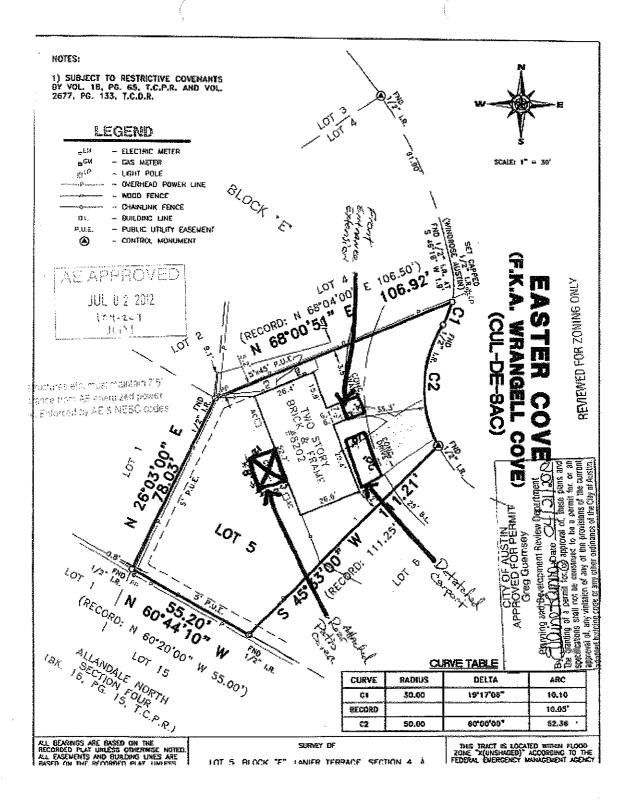
Austin Energy Building Service Planning Application (BSPA)

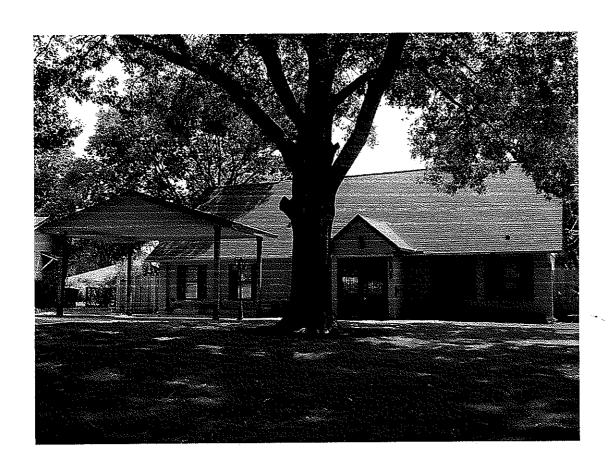
This form to be used for review of Building Permit only For use in One Stop Shap Only

Responsible Person for Service Request Also B	uster Jenne	
Email Fax	Phone	
Residential Commercial New Construction	Remodeling	
Project Address	OR	
Legal Description	.ot Black	
Who is your electrical provider?		
Overhead Service Underground Service Single-pha	isc (10) 🔲 Three-phase (30)	
Location of meter		
Number of existing meters on gutter (show all existing meters on riser diagram)		
Expired permit #		
Comments		
	The state of the s	
BSPA Completed by (Signature & Print Name) Date	<u> </u>	
Approved Yes No AE Representative	Date Phone	
•		

Application expires 180 days after the date of approval (Any change to the above information requires a new BSPA)

of shoot es etc. must maintain 7.5" rearring from AE energived power lines. Enforced by AE & NESC codes. AE APPROVED JUL 8 2 2817 1891-207 1604





STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Patrick Durbin appoint Alisa M. Buster nka Alisa Buster Jenne as my agent (attorney-in-fact) to act for me in any lawful way with respect to all of the following powers except for a power that I have crossed out below.

TO WITHHOLD A POWER, YOU MUST CROSS OUT EACH POWER WITHHELD.

Real property transactions;

Tangible personal property transactions;

Stock and bond transactions;

Commodity and option transactions;

Banking and other financial institution transactions;

Business operating transactions;

Insurance and annuity transactions;

Estate, trust and other beneficiary transactions;

Claims and litigation;

Personal and family maintenance;

Benefits from social security, Medicare, Medicard, or other governmental programs or civil or Military service;

Retirement plan transactions;

Tax matters,

IF NO POWER LISTED ABOVE IS CROSSED OUT, THIS DOCUMENT SHALL BE

CONSTRUED AND INTERPRETED AS A GENERAL POWER OF ATTORNEY AND MY AGENT (ATTORNEY IN FACT) SHALL HAVE THE POWER AND AUTHORITY TO PERFORM OR UNDERTAKE ANY ACTION I COULD PERFORM OR UNDERTAKE IF I WERE PERSONALLY PRESENT.

SPECIAL INSTRUCTIONS

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

I grant my agent (attorney in fact) the power to apply my property to make gifts, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

WITHOUT LIMITING THE POWERS HEREIN GRANTED, MY AGENT IN MY NAME, PLACE AND STEAD MAY NEGOTIATE TO PURCHASE, SELL OR REFINANCE THE FOLLOWING DESCRIBED PROPERTY: 8202 Easter Cove, Austin, Texas 78757

Lot 5, Block E, Lanier Terrace, Section 4, A Subdivision in Travis County, Texas, According to the Plat thereof Recorded in Volume 18, Page 65, Plat Records of Travis County, Texas.

AND EXECUTE, ACKNOWLEDGE AND DELIVER ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

- (A) This Power of Attorney is not affected by my subsequent disability or incapacity.
- (B) This Power of Attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this Power of Attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: None.

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

2010

Signed this 7—day of 3-7, 20/2
Patt Del
Patrick Durbin
Acknowledgment
STATE OF 18 YM ·
COUNTY OF TRAUK
This instrument was acknowledged before me on the 9th day of which problem 20/2
by Patrick Durbin.
MARIA L WILDER My Commission Expires
October 25, 2015 Notary Public, State of 7x

AFTER RECORDING RETURN TO: RELIANT TITLE 8300 N. MOPAC, SUITE 115 AUSTIN, TEXAS 78759

101 ATELLE TULY